## REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks.

### *I. Introduction*

Upon entry of the amendment, claims 1-22, 24 and 25 are pending in the instant application. Applicants have amended claim 1 to define the claimed device more clearly and distinctly and to address the examiner's concerns. Claims 24 and 25 have been amended to depend from claim 1. The details of the amendment are discussed below. Claim 23 has been cancelled without prejudice or disclaimer. Claim 1 has been amended to claim subject matter of the cancelled claim 23.

### *II. Rejections under § 112, first paragraph*

The examiner has rejected claims 24 and 25 for the alleged lack of written description. The examiner has further rejected claims 1-23 for allegedly non-enabled. Applicants respectfully traverse these rejections.

**Written Description Rejection**

Claims 24 and 25 refer to new limitations on the features that mutually parallel sections form a surface of the drum supporting the granules, and that mutually parallel sections are arranged to be in contact with the granules in the drum, respectively. Applicants respectfully submit that ample support of these new limitations can be found in the specification and drawings. For example, support can be found at page 3, lines 24-34 and at page 6, lines 5-24. Thus, the specification alone fully provides support for mutually parallel sections forming a surface of the drum that contacts and supports the granules in the drum. These features of the claimed device are further clarified in Figures 1-4. Figure 1 clearly shows mutually parallel sections that form a surface of the drum (4) in contact with granules and support granules. It is well settled that drawings provide descriptive support for claim limitations. *Vas-Cath*, 935 F.2d at 1565. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

**Enablement Rejection**

The examiner has alleged non-enablement of claims 1-23 because a means for air supply is required to enable the claimed invention. While not acquiescing to the propriety of the examiner's rejection, applicants have obviated this rejection by amending claim 1 to recite that the claimed device also comprises "a member for supplying gas," as suggested by the examiner. In view of these amendments, withdrawal of the rejection is respectfully requested.

***III. Rejections under 35 U.S.C. §103***

The examiner has rejected claims 1-17 and 19-25 as obvious over Fusejima et al., EP 648,529A1 ("Fusejima"). The examiner has further rejected claims 18 and 22 as obvious over Fusejima in view of U.S. Patent No. 5,939,097 to Fusejima. The examiner alleges that "it would have been *prima facie* obvious for one of ordinary skill in the art, by routine experimentation, to modify Fusejima's peripheral surfaces of the frame members (51a and 51b) to obtain the claimed invention because the reference teaches the advantageous results of gas supply passes through the inner and outer peripheral surfaces to improve accumulation of coating material onto the granules." Applicants respectfully traverse these rejections.

At the outset, applicants wish to draw the examiner's attention to the amended claim 1 that specifies that apertures defined by mutually parallel sections form a path for a gas flow between the inside and the outside of a drum. Thus, in the claimed device, gas flows through apertures between the inside and the outside of the drum.

In alleging a *prima facie* case of obviousness, the examiner seems to rely on the description of Fusejima that "in the annular duct, there are also provided partition walls for defining a flow path of the flow of the gas from the gas supply duct to the exhaust duct through an accumulated layer of the granular material in the rotary drum." (column 4, lines 2-6) However, a closer reading of the entire Fusejima reference reveals that partition walls are not arranged to allow gas to pass through them. Indeed, the partition walls are merely a part of members that define a path for flowing gas in the annular duct (24). That is, the partition walls serve as neither an entry nor an exit for gas between the inside and the outside of the drum of the Fusejima coating device.

Rather, in Fusejima, gas passes between the inside and outside of the drum through opening portions (34 and 35) via vent holes. An opening portion (34) is formed in the inner wall portion (25) constituting the annular duct (24) within a predetermined range from the bottom end portion to the normal rotating direction of the rotary drum (1) corresponding to the accumulated layer (33). Similarly, an opening portion (35) is formed in the inner wall portion (25) in a section between the gas supply duct (31) and the exhaust duct (32). (column 7, lines 8-15).

The path of a gas flow is further explained in Fusejima. That is, when the gas supply-exhaust changeover dampers (36 and 37) take the first position respectively, the drying gas which has flowed in through the gas supply duct (31) first flows into the rotary drum (1) through the opening portion (35), and then flows through the accumulated layer (33) and further through the opening portion (34), and flows through the vent path (24a) **along the partition wall (25b)**, and is guided to the exhaust duct (32). (column 8, lines 4-13) On the other hand, when the gas supply-exhaust changeover dampers (36 and 37) take the second position respectively, the drying gas which has flowed in through the gas supply duct (31), is guided **along the outer periphery of the partition wall (25a)** and flows through the vent path (24a), thereafter, flows into the rotary drum (1) through the opening portion (34) provided at a position corresponding to the accumulated layer (33), and flows through the accumulated layer (33). Subsequently, the drying gas starts from the rotary drum (1), passes through the opening portion (35) and is guided to the exhaust duct (32).

Thus, the role of the partition walls (25a and 25b) are to direct a gas flow through the vent path (24a), not to serve as an entry or exit between the annual duct and the drum. More specifically, in order to prevent the drying gas from flowing into or out of a slit formed between the partition walls (25a and 25b) and the cylindrical portion (2), seal members (38a/38b and 39a/39b) are placed at the opposite ends of the partition walls (25a and 25b) in the circumferential direction. (column 7, lines 44-54) As a result, the gas flow is not allowed to flow into the inside of the drum through the partition walls that are intentionally blocked to prevent such a gas flow.

Therefore, contrary to the examiner's understanding, nowhere does Fusejima provide any motivation to modify partition plates to provide a path for flowing gas between the inside and the outside of the drum.

In addition, claim 4 further specifies that the claimed device has sections that decrease in their width from the inside towards the outside of the drum. As indicated in the specification, having the width of the sections decrease from the inside towards the outside allows easy and simple cleaning of the drum from the outside. (page 3, line 35 – page 4, line 2). Fusejima, however, is silent on such a feature with respect to either partition walls or partition plates.

Thus, one of ordinary skill in the art would not have modified either partition plates or partition walls to produce the claimed device of claim 1. Consequently, the examiner has failed to establish a *prima facie* case of obviousness. Accordingly, applicants respectfully request reconsideration and withdrawal of the obviousness rejection.

In view of the above amendments and remarks, favorable reconsideration and allowance of the application are respectfully requested. In the event that any issues

remain, the Examiner is invited to telephone the undersigned with any proposal to expedite prosecution.

Respectfully submitted,

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**Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.**

## VERSION WITH MARKINGS TO SHOW CHANGES MADE

Marked up rewritten claims:

1. (Three Times Amended) A [Device] device for producing granules comprising (1) a drum with peripheral apertures, [and] (2) a member for [feeing] feeding [the] said drum with coating or fixing substance, and (3) a member for supplying gas, wherein [the] said drum comprises mutually parallel sections [which] that define, between them, [the apertures allowing gas to pass through granules] said apertures that form a path for a gas flow between the inside and the outside of said drum.

24. (Amended) The device according to claim 1, wherein [Device for producing granules comprising a drum with peripheral apertures and a member for feeding the drum with coating or fixing substance, wherein the drum comprises] said mutually parallel sections [which define between them the apertures and a ] form a surface of [the] said drum supporting the granules.

25 (Amended) The device according to claim 1, [Device for producing granules comprising a drum with peripheral apertures and a member for feeding the drum with coating or fixing substance, wherein the drum comprises] wherein said mutually parallel sections [which define between them the apertures and which] are arranged to be in contact with the granules.